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Action Alert



**Emergency Stay of FCC Rules on Faxing
Needed**
Send Fax to FCC

02-278

NAR needs your support for its efforts
to obtain an Emergency Stay of a
recent rule promulgated by the FCC.

Take Action Now

Last month, the FCC amended its
rules on unsolicited facsimile

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advertisements. The Telephone Consumer Protection
Act (TCPA) of 1991 prohibits unsolicited faxes and
requires a person or entity to obtain the prior express
invitation or permission from the recipient before
transmitting unsolicited fax advertisement.

Since 1992, the FCC had ruled that an established
business relationship, such as the one between a trade
association and its members, constituted an express
invitation or permission to receive an unsolicited fax.
Now, however, the FCC has concluded that they had
overstepped their interpretive authority and the existing
business relationship no longer will be sufficient to show
that an individual or business has given their express
permission to receive unsolicited faxes advertisements.
This express invitation or permission must be in writing
and include the recipient's signature. The FCC has
indicated that these new rules would take effect thirty
days after they published the formal rule. The rule was
published on July 25 and therefore will take effect on
August 25, 2003.

This new interpretation creates significant problems for
REALTOR relationships with clients, REALTOR
relationships with businesses, and state, local and
national associations relationships with their own
members.

NAR has already taken steps to address this inequity. In
the first of a two-part action plan, NAR has submitted a
Petition to the FCC for an Emergency Stay of the
Facsimile Advertisement Rules. NAR will also be filing of
a Petition for Reconsideration shortly, which is the
formal process for seeking a withdrawal of this new rule
and its expressed, written permission provision.

In order to impress upon the FCC the need for the
emergency stay, NAR is asking you to let the FCC know
that you support our efforts on your behalf. NAR asks

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